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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSHUA RAY FISHER

Defendant.

Case No. 2:17-mj-271-GWF

Case No. 2:17-cv-1154-JAD-GWF

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUSTIN ANTHONY FISHER

Defendant.

Case No. 2:17-cr-00073-APG-GWF

ORDER

On June 30, 2017, the Court conducted a hearing on Defendant Joshua Ray Fisher's Motion to Eliminate Separation Order and to Allow Joshua Fisher to be Housed in the Same Area as His Brother (ECF No. 7).¹ Based on the information set forth in the parties' briefs and as adduced at the hearing:

¹Defendant Joshua Ray Fisher was charged in a criminal complaint filed in Case No. 2:17-mj-271 on April 4, 2017. On April 7, 2017, Magistrate Judge Leen conducted a detention hearing and ordered that Defendant Joshua Ray Fisher be detained. *See Minutes of Proceedings* (ECF No. 8) and *Order of Detention* (ECF No. 13). On April 20, 2017, Defendant filed a motion to the district court to review and amend Judge Leen's detention order pursuant to 18 U.S.C. § 3145(b). *Motion* (ECF No. 12). Because the Defendant had appeared on a criminal complaint, it was necessary to assign a district judge to hear and decide Defendant's motion. The Clerk thereupon opened a new *civil* case number, 2:17-cv-001154-JAD-GWF, in which Defendant Joshua Ray Fisher is listed as plaintiff and the United States is listed as defendant. Defendant Joshua Ray Fisher's instant Motion to Eliminate Separation Order has been filed in the civil case. To avoid confusion and

1 1. The Government alleges that Defendant Joshua Ray Fisher and his brother Justin Anthony
2 Fisher, who is charged by indictment in Case No. 2:17-cr-00073-APG-GWF are co-conspirators in
3 criminal offenses charged in the respective criminal complaint and indictment filed against them.

4 2. Joshua Ray Fisher and Justin Anthony Fisher are both currently detained at the Nevada
5 Southern Detention Center located in Pahrump, Nevada. The Government has directed or requested that
6 the Detention Center separately house Joshua Ray Fisher and Justin Anthony Fisher so that they cannot
7 have direct contact with one another.

8 3. The Government has indicated that one of the defendants could be placed in the Henderson,
9 Nevada detention facility. However, because Defendants' attorneys desire to meet jointly with their
10 clients on occasion, they need to be housed in the same detention facility.

11 4. Defendants' counsel have informed the Court that in order to keep Joshua Ray Fisher and
12 Justin Anthony Fisher separated from each other at the Nevada Southern Detention Center, one or both
13 of them is placed in solitary confinement or administrative segregation. The Government has questioned
14 whether the reason for such confinement or segregation is based solely on the requirement that
15 Defendants be kept apart from each other.

16 Based on the foregoing,

17 **IT IS HEREBY ORDERED** that on or before July 8, 2017, the Nevada Southern Detention
18 Center, and/or the United States Marshal shall file with the the Court in the above listed case numbers
19 written answers to the following inquiries:

20 1. How are Defendants being detained for purposes of keeping them separated from each other?
21 Are either or both Defendants placed in solitary confinement or administration segregation, and if so,
22 what is the schedule for each Defendant to be in such confinement or segregation?

23 2. Is there any reason, other than keeping Defendants separated from each other, for placing
24 either of them in solitary confinement or administrative segregation? If so, please explain.

25 ...

26 _____
27 difficulty in locating filed documents relating to the instant criminal prosecution, the documents and court
28 minutes relating to this motion should also be filed in Case No. 2:17-mj-271-GWF until such time as an
indictment may be filed against Defendant.

3. If one of the Defendants was housed at the Henderson, Nevada detention facility, would that Defendant be required to be in solitary confinement or administrative segregation while in that facility? If so, please explain.

DATED this 30th day of June, 2017.

George Foley Jr.
GEORGE FOLEY, JR.
United States Magistrate Judge